

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

MAR 25 2008

JOHN F. CONCORAN, CLERK
BY:  DEPUTY CLERK

United States of America)

v.)

Arthur McKinney)

) Case No: 4:02CR70117-001) USM No: 09574-084Date of Previous Judgment: November 10, 2003)

(Use Date of Last Amended Judgment if Applicable))

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

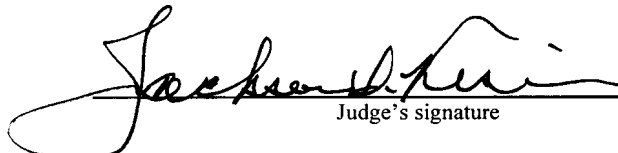
Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 96 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 31Amended Offense Level: 29Criminal History Category: IVCriminal History Category: IVPrevious Guideline Range: 151 to 188 monthsAmended Guideline Range: 121 to 151 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):**III. ADDITIONAL COMMENTS**Except as provided above, all provisions of the judgment dated 11/10/2003 shall remain in effect.**IT IS SO ORDERED.**Order Date: 3-25-08

 Judge's signature
Effective Date: 3/3/08 4-7-08
(if different from order date)
Jackson Kiser, Senior United States District Judge
 Printed name and title